reserved for the purpose at Chamarajapur (the new extension of the Mysore City).

XIV. It now only remains for me to refer to the proposal relating to the Maharaja's Council and to say that matters relating to the constitution for the Government of the State are outside the province of this Assembly which is welcome to place before Government any matter relating to the details of the Administration.

Subject No. 10. Proposed Regulation for the prevention of Infant Marriages.

On this subject petitions were presented signed both by members who were in favor of the measure and by members who were against it, and they have been printed in the book as Appendix B.

The following is a summary of discussions embodying reasons in support of the proposed Regulation and the amendments proposed, together with objections if any to such reasons and amendments:—

Mr. M. Venkatakrishnaiya.—It is shown in the objects and reasons appended to the draft Regulation that the proposed law is in entire accordance with the Shastras, and that the limits of age proposed are even below the limits mentioned in the Shastras. There are texts permitting marriages of girls in ages up to puberty and even two or three years after puberty under specified circumstances. If at all, the proposed Regulation errs on the side of moderation as regards limits of age.

The evil results of Infant marriages exist chiefly among Brahmans and Vaisyas as they can marry their young girls only once, whereas among other classes including Muhammadans, girls are married later in life and the miseries of early widowhood are obviated by liberty to marry more than once. Early marriage in certain cases leads to enforced widowhood which again leads to immorality and crime. The best course will be to prohibit all marriage and all consummation of marriage before the girl is 18 years of age.

The evils of Infant marriages being admitted, the justification for preventing them lies in the duty of the State as Guardian of the Public Interests to protect those interests, especially of minors. Government action is as just and necessary for prohibiting early marriages as it was just and necessary for the abolition of sattee, the suppression of Thuggi and human sacrifices to Kali, Durgi, &c. But due regard should be had to the feelings of the people and unnecessary pain should be avoided. The punishment proposed may be reduced to some extent. With this view imprisonment may be dispensed with and only fine retained, as conviction may possibly ensue in cases in which the ages are not within the prohibited degrees and yet the parties are not able to prove

this to the Judge's satisfaction in the absence of regular or compulsory registration of births and deaths.

The cause of the proposed Regulation will be promoted by Government prescribing some disabilities also, such as, prescribing celibacy as one of the conditions for scholarships, discountenancing such of its servants as bring about marriages or consummation of marriages within objectionable limits of age. With regard to old men marrying at 50 and above the limit may be raised to 55 and above.

Mr. Nadig Sivappa (*Land-holder, Sorab Taluk*). Hindu women have long suffered under various disabilities because men are legislators and administrators of law. Men are selfish. The pain and sorrows of women are peculiar to them.

Mr. Hafizullakhan (*Hakim from Bangalore City Municipality*). Is the bill applicable to Muhammadans also? [The Dewan observed that as it stood the bill applied to Muhammadans also. At the same time it was necessary to define what marriage meant and much would depend upon the definition which might be finally adopted. This would be considered by and bye. Meanwhile he asked them to proceed on the assumption that the Regulation was applicable to Muhammadans also]. Mr. Hafizullakhan proceeded. The evils arising from Infant marriages do not exist among Muhammadans as they do among Hindus, because the former have a system of widow re-marriage among them, so that to Muhammadans the proposed law is unnecessary.

Mr. Gaus Sheriff Saib (*Merchant from Shimoga Taluk*). The proposed law can be evaded by crossing the boundary of Mysore and performing the marriage in British India and returning to Mysore. All these would only entail additional expense. It is better therefore to rely on education which is spreading and permeating every class of society to effect the good results aimed at. The proposed law is for the protection of minors. But Government cannot be a better Judge of the welfare of minors than their own parents and guardians.

Mr. Srinivas Rao (*Coffee Planter from Chikmagalur Municipality*).—The objection that Government should not interfere in social matters holds only in those cases in which the Government is an alien Government. But a Native Government can legislate for the Native community in such matters. Did not the British Government make a law to say that change of religion did not involve change in the Civil Rights in family property, &c.? In Christian communities, did not Government legislate on the marriage with a deceased wife's sister? Similar instances might be multiplied. The *Shastras* do not sanction Infant marriages. The ritual for *Kanyádána* is different from that for the consummation of marriage. But priestcraft and considerations of convenience had concentrated

both these rituals into the four days of marriage ceremonial, so that although a girl has not attained maturity and is but an infant, the ceremony of consummation of marriage is gone through in the course of those four days. People said " Rely upon the effects of education", "Rely upon the good sense, convictions and wise resolutions of parents." But mere education and conviction are not enough. Look at the cases of Babu Kheshub Chandrasèn and Mr. Telang, who had to marry their daughters contrary to their convictions. The insidious influence of habit and custom which binds people can only be overcome by law. It was urged that the penalties under this Regulation should be only fines without imprisonment. This would press unequally upon the rich and the poor. Fines would but add to expenses which rich men would pay easily. To say that only a minority are in favor of the measure is no disparagement. Great reforms were inaugurated and prosecuted only by a few. It was only a small minority that brought about the suppression of the slave trade. The benefit of the proposed Legislation would be known only when it is passed into law. It was stated that men might go and marry out of Mysore within the prohibited limits of age and return to Mysore with impunity. Such men as would leave the country to break the laws of the country would be considered too bad for any reckoning. If the measure is adopted here, it will probably be copied elsewhere.

Mr. Ananta Shetti (*Advocate from Chitaldroog Municipality*).—The proposed regulation would prevent the observance of a caste rule among the Vaisyas, by which a girl *must* be given in marriage to her maternal uncle's son, if one exist, whatever the difference in age between them. The Bill requires that the girl should wait till she has completed her 8th year and the boy his 14th year. But in a particular case in which the difference in age between the girl and her maternal uncle's son is one year or two years, the girl would have attained her puberty by the time the boy is of a marriageable age. To keep her so long unmarried would be scandalous.

Mr. Amble Annaiya Pandit, (Mysore), said that the penal provisions were severe and dangerous and proposed that the spiritual heads of the several sects might be invested with the power to punish persons marrying within prohibited age, and Mr. Nandagudi Ramanna proposed to leave the subject entirely in the hands of spiritual heads of castes. Mr. Sosle Sri Rangachar responded to this that only Smarthas and Madhvas had such spiritual heads but not certain Sriva shnavas who were not subject to the discipline of any Guru.

The Dewan.—It is because spiritual authority could not cope with the evil in question that the state has to interfere in the manner proposed.

B. The following is a summary of the objections advanced to the introduction of the Regulation and the replies to such objections:—

Mr. B. Garudachar, B. A., B. L., (Advocate, Shimoga). The proposed law is an undue interference with public freedom and is unnecessary. Penal Laws and other Legislation hitherto were confined to matters outside our homes. The proposed law invades the privacy of our domestic relations. It is said that public opinion supports it, and allusion is made to what was said at the Dasara Representative Assembly of 1891, and what a deputation of Representative Members said to the Viceroy. In neither case the sense of the Assembly as a whole had been taken. Hence it is not correct to say that the Assembly has accorded its consent to it. [The Dewan remarked that it was not based upon such consent].

Infant marriages and the evils arising therefrom which have been exaggerated are not so great as to call for Government interference. The Census Returns shew that widowhood increases as age periods increase.

[NOTE.—The speaker evidently confounded the age of widows at Census time with the age at which the condition of widowhood accrued] It can hardly be said that the proposed law was intended to prevent widowhood to any appreciable degree. As to old men marrying young girls, there were no statistics of such marriages.

The proposed law would create more evil than that which it proposed to suppress. Even among Englishmen who are far in advance of us in these respects, marriage under age was not treated as a crime.

In the proposed law the Shastra limits are taken only partially. A girl in her 10th year is *Kanya*, but why allow *Kanyádána* in the 8th and 9th years, prohibiting it only below the 8th? The Shastra is stated to prohibit a man marrying after his 50th year. Why should this law allow it if he can find a girl aged 14 or more? Moreover, the proposed law relates to all classes including Muhammadans, among whom there are few or no infant marriages.

Mr. Sadasiva Rao (Pleader from Dodballapur Municipality).—Mr. Garudachar has viewed the question entirely from the point of view of males. There is another aspect of the question, *viz.*, that of the females and Government has to protect the interests of both the sexes. Referring to the Proceedings of this Assembly for 1891 and 1892, it can be inferred that legislation in this matter was desired by a considerable body of Representatives and pronounced public opinion and that the proposed law has been suggested after the utmost deliberation and consultation with the Heads of several Matts. In the face of the approval of the Heads of Matts, it cannot be said that the proposed law is an undue interference with social and religious customs.

Mr. Malhar Rao (*Pleader from Shimoga Municipality*) No other Government in India, whether Native or European, has undertaken legislation of the kind proposed and the Viceroy said that the Government of India would not legislate in a religious or social matter like this.

The argument that Heads of Matts approved of the bill is not of much weight inasmuch as most of them are amenable to the influence of Government, even so, it does not appear that all Matts have expressed approval and the opinion of one Matt cannot be held to be binding on other Matts. The Matts cannot alter the Shastras. The Census figures also cannot be absolutely relied upon. When legislation to put down early consummation of marriages was discussed here, the Dewan expressed himself in disapproval of it on grounds which apply to Infant marriages also. In the explanation of objects and reasons attached to the bill it is stated that the age limits adopted in the draft may be raised according to experience. This shows that further interference with social customs is contemplated. The proposed law would cause much annoyance to some people especially Muhammadans among whom the Ghosha system has a strong hold. Sattee and other religious practices in which Government interfered were not parallel cases inasmuch as Shastras did not prescribe them for *Kaliyuga*. There are many other objectionable customs among Muhammadans and Christians. There is no thought of interfering with such. The proposed law would chiefly affect Brahmans who are physically the weakest in the social system.

Mr. Kerodi Subba Rao, B. A, (*Money-lender, Tirthalli Taluk.*) The Shastras enjoin the marriage of a girl before 14 and before she attains her puberty. But the proposed Regulation not only goes counter to the Shastras in permitting a man of 50 and more to marry a girl of 14 and more, but is against nature which induces a youthful girl to prefer a youthful husband. The Census figures are not a fair test of the evil to be prevented. Early marriage is not the only cause for early widowhood. Famine, cholera and other epedimics are the chief of many causes to the existence of so many widows at present.

The Revd. Mr. Gulliford, (*Wesleyan Missionary from Bangalore Town.*) The force of the Census figures quoted in the Dewan's speech does not seem to have been fully understood They conclusively prove that there is a great growing evil which requires to be arrested by legislative action. If the Shastras disapprove of Infant marriage, the Census figures prove that people are acting contrary to Shastras to a woeful extent and that the pain of widowhood is enforced on a large portion of those who marry contrary to Shastras. These marriages are opposed to the wishes of the civil Government and if the civil Government does not

interfere to put a stop to them how can the civil welfare of the people be promoted. The subject is a difficult one and should be left to Government to decide finally. Objections have been taken to the penal clauses. These may remain as they are. But perhaps out of deference to the objections it may be preferable to declare the marriages to be illegal. This is indeed open to the objection that the penalty would fall on the innocent children who have been married. In that case institute a system of civil marriages, so that when the parties to such illegal marriages come to ages of discretion, they may ratify the same if they be so disposed before a Registrar.

Mr. K. Rangaienger, B. A. (Advocate, Mysore). The good to be secured by the proposed law, small as it is, is more than counterbalanced by the harm to be feared from it. In the first place, its principle is novel. Hitherto nothing that was wrong in Civil Law would be right under the Criminal Law. This Regulation by punishing the promoters of an Infant marriage, without declaring that marriage is illegal, would for the first time make an act right in Civil Law but wrong in Criminal Law. In the next place who will complain under the proposed law? Not the parents, nor the relations, nor the priests nor the guests who attend, but the enemies who are in search of opportunities to satisfy a grudge, thus leading parties to unnecessary trouble and vexation. And such legal proceedings instituted by enmity, will be considered as bad omens. For real and effectual protection of girls, a different regulation is necessary. The regulation does not go far enough. It does not protect all girls 8 years and less old inasmuch as it allows those who can afford to cross the frontier and marry girls below the limited period.

Mr. K. Chendrasekharaiya, B. A., B. L. (Advocate from the Rate Payers' Association, Mysore). The text, as cited in the explanation of objects and reasons appended to the Draft Regulation, is not the correct rendering. There is a different reading of it.

[The Dewan observed that there were two readings true enough. But the 8 year limit of age adopted in the Draft Regulation is one which is reconcilable with both and therefore the question which of the two readings is correct is irrelevant.]

The restriction imposed upon a man of 50 years and more to marry girls of 14 and above only practically amounts to a prohibition, as girls are not kept so long unmarried. Obligatory Brahmanical rites require a consort. A son is necessary for salvation. Must a 50 year old widower then abandon his religious rites, and if he have no son must he die sonless and go to hell? If limits of age are prescribed such as the 8th year after which the marriage is to be performed in accordance with the proposed Regulation and the 10th

year before the completion of which religion and popular instinct require it to be performed, the interval of two years is the only time available for marriage. Owing to this inconvenience parents of advanced years would be prevented from fulfilling their duty in their life time. Sometimes the girl may attain her puberty in this period before a husband is found and married to her.

[The Dewan here observed that the Shastra declares the signs of puberty at such an early period to be signs of disease and not maturity. *Rajas* is after the 10th year.]

Accidents also may occur within this period to postpone a marriage. Thus the available period would be considerably reduced.

[Citing extracts from Mr. J. D. Rees' article in the Nineteenth Century.]

Mr. Garudachar added that great Natives of India have been against legislative interference with the marriage laws of the country. Some of them are alive and some are present at this Assembly like the Dewan and the Honorable Mr. Chentsal Rao. [Both the Dewan and the Honorable Mr. Chentsal Rao remarked that they did not recollect the occasion and the context and the Dewan added if we were really of a different opinion before, it only shows that we grow wiser in course of time.] The Revd. Mr. Gulliford's suggestion about Civil marriage is impracticable and would not be in accordance with the Shastras. If, as suggested, the State declares marriages within prohibited periods invalid until ratified subsequently, would not widowhood supervene if the husband dies before ratification?

Mr. Sadasiva Rao (Pleader from the Dodballapur Municipality). There has been a great deal too much said about the Shastras. To say that an old man can get to heaven only by inflicting lifelong misery on a youthful girl is equally absurd and selfish. To say that old parents should die but after the marriage settlement of their children at the risk of inflicting grievous wrong on those children is no better. The 50 year old widower must find a substitute for Agnihotra. The old man sonless cannot beget a son, but should adopt one. It was said by Mr. Ananta Shetti that early marriage would make the boy and the girl to like and suit each other early. This is mere fancy. In truth tempers and dispositions do not begin to form before the 8th or 9th year.

Mr. Sheshanna (Shanbhog from the Goribidnur Taluk). Hitherto only girls have been spoken about. But there is a rule that there should not exist in a family three unmarried boys at the same time. According to the proposed Regulation, a father who has three sons will have to wait till the eldest of them is at least 14 years.

The Dewan.—The remarks which have been made will be duly considered by Government.

Date of Acc... No.....
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Mr. Nadig Sivappa (from Sorab Taluk) and Mr. Kanlé Devappa (from Sagar Taluk).

Subject No. II.

Halat on Supari.

Summary of discussion.—The Halat duty (land customs) on Supari is inconvenient to both growers and merchants. Being an addition to the heavy assessment of garden lands, it presses very hard. A double tax like Halat and Assessment is unjust. It gives occasion for corruption and petty oppression on the part of Government officials. It imposes great restrictions on freedom of trade. It is inquisitorial on growers. It also hampers free transfer of lands. As a rule, garden owners are in a state of chronic indebtedness and are not thriving as rice-land-holders are. Owing to the existence of the Halat system, minor *Suttigedars* have sprung up among garden-owners themselves. They are not real supari merchants. They borrow capital from others, paying interest and a portion of profits for such loans. With this capital they make small advances to growers and buy up their produce which they afterwards sell for a handsome profit to merchants. These minor *suttigedars* tempt garden owners into debt who in the long run are ruined. If the Halat is abolished, the garden owners will have no temptation to borrow and there will be an encouragement to improve garden cultivation. The assessment need not be reduced if the Halat be abolished. It is not true that supari stealing will increase, if Halat is abolished. The supari is prepared by garden-holders in their own houses, and therefore cannot be stolen as coffee is stolen from estates. The system of issuing Rahadaris is no safe-guard against thefts while the supari is in transit, and that of requiring chits to be taken out by the growers is most inconvenient. As the Rahadaris cease to be in force at the frontier of the Mysore State, there is nothing to prevent supari being stolen beyond that limit. The majority of garden owners and the merchants of Bellary are for the abolition of Halat duty. The latter are hampered by the local *suttigedars*, whom the Halat system has brought into existence and who therefore are for keeping it and reducing the land assessment in preference. The fact that the garden owners are, as a body, in a state of chronic indebtedness, and that holders of rice-lands are in prosperous condition clearly proves that the Halat system is bad.

Per Contra, it was urged that the abolition of the Halat would benefit the consumers of supari by lowering its price in the market and would in no way benefit the producer who would continue to get for his produce what he now gets or even less. This happened in the case of tobacco, cordamom and pepper which formerly paid a land customs duty as the supari now does. Nor would the dealers in supari be much benefited. They would lose also by competition with producer who when the Halat is abolished would himself take small quantties of his produce to the market and sell it for whatever